IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

OP.No. 6099 of 1999(A)

PETITIONER:

M/S MEDIVISION SCAN & DIAGNOSTIC,
RESEARCH CENTRE PVT. LTD.,
SREEKANDATH ROAD,
RAVIPURAM, COCHIN - 682 016.

BY ADV. SRI.P.B.SURESH KUMAR(QUILON)

RESPONDENTS:
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1. UNION OF INDIA REPRESENTED BY
THE SECRETARY, MINISTRY OF FINANCE,
NEW DELHI.

2. THE COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, COCHIN -9.

BY ADV. SRI.K.RAMAKUMAR, SCGSC
SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JOHN VARGHESE, SCGSC
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 10329/1999 IN O.P. NO. 6099/1999 A

CLOSED

21.06.2007 SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: THE SCHEME PUBLISHED AS PART OF FINANCE ACT, 1998.

EXT.P2: TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT DATED 20.08.97.

EXT.P3: TRUE COPY OF THE ORDER PASSED BY THE CEGAT, MADRAS DATED 27.02.1998.

EXT.P4: TRUE COPY OF THE DECLARATION MADE BY THE PETITIONER TO THE SECOND RESPONDENT DATED 23.12.98.

EXT.P5: TRUE COPY OF THE FORM OF CERTIFICATE OF INTIMATION ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER DATED 11.02.1999.

EXT.P6: TRUE COPY OF THE PRESS REPORT IN RESPECT OF THE ABOVE DECISION REPORTED IN THE ECONOMIC TIMES DATED 17.11.98.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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O.P. NO. 6099 OF 1999

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Dated this the 21st day of June, 2007.

JUDGMENT

The writ petition is filed aggrieved by the levy of customs duty. The petitioner claims exemption under Ext.P1 scheme. The issue is covered against the petitioner by the decision of the Supreme Court in **Union of India & others v. Onkar S Kanwar & others** (2002(7) SCC 591). Accordingly, the writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

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